

MINUTES
TOWN OF FREDERICK
BOARD OF TRUSTEES
Frederick Town Hall
May 26, 2009
7:00 p.m.

Attendance: Mayor Eric Doering, Mayor Pro Tem Wedel, Trustees Tony Carey, Gerry Pfirsch, Jim Wollack and Amy Schiers. Also present were Town Administrator Derek Todd, Town Clerk Nanette Fornof, Town Attorney Rick Samson, Planning Director Jennifer Simmons, Engineering Director Dick Leffler and Assistant to Town Administrator Jordan Eichem. Audience was also present.

ROLL CALL Mayor Doering called the regular meeting to order at 7:06 p.m.; role call was taken and all Trustees were present, except Trustee Liberta Hattel who had an excused absence.

PLEDGE OF ALLEGIANCE Mayor Doering led the audience in the Pledge of Allegiance.

ADDITIONS TO THE AGENDA There were no additions or deletions to the agenda.

PUBLIC COMMENT

James Morton, a Frederick resident inquired about the Town's responsibility of encouraging a big box store coming to Frederick, the new Storm Drainage rate and how a Special District needed to be formed prior to the implementation of the fee. Mayor Doering indicated that the Town Administrator would show a presentation that would possibly answer Morton's questions.

STAFF REPORTS

Administrative Report Town Administrator Derek Todd provided the Board with the Administrative Report which highlighted the following items: Municipal Home Rule, Carbon Valley Step Challenge, Fishing Clinic, Spring Clean-up Day and Upcoming Board of Trustees Work Session. The Engineering Department provided information about the Northern Integrated Supply Project and Storm Water Utility Billing. The Planning Department provided information about the Downtown Development Study and Bulrush Wetlands Update. Information about the Longmont SWAT Team and Click-it or Ticket Enforcement was provided by the Police Department.

Town Administrator Derek Todd, presented the Board, staff and audience a power point arrangement with reference to the demographics of the Town of Frederick. The arrangement provided information about different zoning, labor force, proposed Frederick High School, local business within the Town, etc.

Town Attorney Report Assistant Town Attorney, Cyril Vidergar, provided the Board of Trustees with a written Status Report. Assistant Town Attorney Vidergar gave a verbal report on the status of the Steel Dimensions litigation, the purchase of the Wysock Detention Pond and the Town of Frederick vs. Town of Erie litigation.

The Steel Dimensions litigation is currently in the appeal process; Steele Dimension will not file an appeal if the Town and the Town's insurance company forgoes collecting attorney fees. Motion by Mayor Pro Tem Wedel to direct staff to accept the Steel Dimensions's offer, Trustee Wollack seconded the motion and motion carried unanimously.

There was preliminary discussion regarding the purchase of the Wysock Detention Pond property. More information will be given later in the meeting.

The Town of Erie litigation with the Town of Frederick is also in the appeal process and the Town of Erie has appealed and will need to "show the record" within 10 days of filing the appeal. More information will be provided at future meetings. SMT did not file an appeal.

PUBLIC HEARINGS

AM 2009-045, To Consider the Westervelt Comprehensive Plan Amendment and Rezone The applicant requested approval for an amendment to the Comprehensive Plan and to rezone the 134 acres site. Currently the zoning is Business Light Industrial and Employment (C-E). The property was zoned PUD at the time of annexation. The Comprehensive Plan has designated the property to be Mixed Use Residential and the adjacent properties are designated for Employment, Medium Density Residential and Mixed Use Residential purposes. Staff indicated the proposed rezoning classifications are compatible to the surrounding development and will help facilitate economic development within the Town.

The applicant Cameron Grant introduced himself and was available for questions. Mayor Doering opened the Public Hearing at 7:53, there being no comments or questions, Mayor Doering closed the Public Hearing at 7:53. The Warren Foundation, A mineral rights owner on the property requests the applicant and the Foundation enter into a Surface Use Agreement; Town staff indicated a Surface Use Agreement would need to be addressed at the time of platting.

Motion by Mayor Pro Tem Wedel to adopt Ordinance #1000, AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FOR THE TOWN OF FREDERICK REGARDING THE USE DESIGNATION FOR THE WESTERVELT PROPERTY, Trustee Wollack seconded the motion and motion carried unanimously.

Motion by Trustee Wollack, to approve Resolution 09R020, A RESOLUTION REGARDING THE REVIEW OF THE REQUEST FOR AMENDMENT TO THE OFFICIAL ZONING MAP OF THE TOWN OF FREDERICK FOR WESTERVELT PROPERTY, Mayor Pro Tem Wedel, seconded the motion and motion carried unanimously.

Motion by Trustee Pfirsch, to adopt Ordinance #1001, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF FREDERICK FOR WESTERVELT PROPERTY, UPON THE PETITION OF THE OWNER THEREOF, FROM PUD TO B-LI AND C-E, Mayor Pro Tem Wedel seconded the motion and motion carried unanimously.

AM 2009-046, To Consider the Godding Hollow Metropolitan District Service Plan The applicant submitted a Metropolitan District Service Plan for Godding Hollow. Special Counsel, Jim Hunsaker, of Grimshaw and Haring, provided the Board with a memo which outlined the details of the metropolitan district. The memo provided information about the Mill Levy Cap, 3 Mill Levy for the Town Capital Improvements/Operating Expenses, Disclosure, Annual Report, Waiver of other revenue sources, Eminent Domain, Town IGA, Inclusion, Overlapping District, Development Fee and Plains Metropolitan District v. Ken Caryl Ranch Metro District Court Finding of Fact. Mayor Doering opened the Public Hearing at 8:11p.m., there being no comments or questions, Mayor Doering closed the Public Hearing at 8:11p.m. Motion by Trustee Wollack to approve Resolution 09R021, A RESOLUTION APPROVING THE SERVICE PLAN FOR THE GODDING HOLLOW METROPOLITAN DISTRICT, Mayor Pro Tem Wedel seconded the motion; motion carried unanimously.

AM 2009-044, To Consider Miscellaneous Amendments to the Frederick Municipal Code The current Frederick Municipal Code was codified and adopted in March 1992. Throughout the years there have been amendments, revisions, and modifications to the Code. However, in some instances the Code has not been modified to reflect new work practices that have been implemented. The proposed ordinance would bring the Code current with updated regulations and work practices. Mayor Doering opened the Public Hearing at 8:17p.m, there being no comments or questions, Mayor Doering closed the Public Hearing at 8:17p.m.

Motion by Trustee Pfirsch, to approve Resolution 09R022, A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO, ORDERING THE PUBLICATION OF A NOTICE AND SETTING A HEARING FOR CONSIDERATION OF AN ORDINANCE PROPOSING ADOPTION BY REFERENCE OF THE 2009 COMPREHENSIVE REVISIONS TO THE TOWN OF FREDERICK MUNICIPAL CODE, 1992; AMENDING CERTAIN SECTIONS OF THE FREDERICK MUNICIPAL CODE IN CONNECTION THEREWITH; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH, Trustee Wollack seconded the motion and motion carried unanimously.

Motion by Trustee Wollack to adopt Ordinance #1002, AN ORDINANCE OF THE TOWN OF FREDERICK COLORADO, REGARDING THE 2009 COMPREHENSIVE AMENDMENTS TO THE TOWN OF FREDERICK MUNICIPAL CODE, 1992, Trustee Pfirsch seconded the motion and motion carried unanimously.

ACTION AGENDA

AM 2009-050, Purchase of Detention Facility On October 27, 1994, the Town of Frederick and developer Chris Wysock entered into a MOAPI, The MOAPI stated Wysock was to dedicate the detention pond to the Town at no cost. This didn't happen and Wysock

subsequently encumbered the entire property with a deed of trust in the amount of \$54,367. Motion by Trustee Pfirsch to approve the purchase of the Wysock property in the amount of \$54,367+/-, Trustee Schiers seconded the motion and motion carried unanimously.

AM 2009-048, To Consider a Request for a Variance from Section 4.11.2 of the Land Use Code Regarding Subdivision Amendments Longmont United Hospital will be purchasing approximately 69 acres of Section 35. In order to complete the purchase, a subdivision plat will need to be processed to create a lot out of the section. Currently Town Code requires the applicant to plat Section 35 and Longmont United Hospital only wants to plat the land to be purchased. The land has two zoning districts, Employment and Residential Medium Density, which will need to be amended with the first phase of the development. Since a variance request doesn't specifically alter any definition of the Land Use Code, staff recommendation is to grant the variance. Motion by Trustee Wollack to approve Resolution 09R023, A RESOLUTION REGARDING THE REVIEW OF THE VARIANCE REQUESTS REGARDING VARIANCES FROM SECTION 4.11 (SPECIFIC REQUIREMENTS AND REVIEW STANDARDS FOR ADMINISTRATIVE APPLICATIONS), OF THE FREDERICK LAND USE CODE AND ADOPTING CERTAIN FINDINGS OF FACT AND CONCLUSIONS FAVORABLE TO THE VARIANCE REQUEST, Trustee Carey seconded the motion and motion carried unanimously.

AM 2009-047, To Consider the Intergovernmental Agreement with the Hinkle Farms Metropolitan District A draft Intergovernmental Agreement relating to Hinkle Farms Metropolitan District Service Plan that was approved by the Board of Trustees at their August 26, 2008, meeting was provided to the Board for their review. Special Counsel Jim Hunsaker, Grimshaw and Harring supplied the Board with a memo which outlined details about the Intergovernmental Agreement. The memo included information regarding the 3-Mill Over-Ride, Construction Standards, Annual Report, and the Overlapping District. Motion by Trustee Carey and seconded by Mayor Pro Tem Wedel to approve the proposed Hinkle Farm Intergovernmental Agreement. Motion carried unanimously.

CONSENT AGENDA

Motion by Mayor Pro Tem Wedel to approve the Consent Agenda with the following items; Approval of the List of Warrants with amendments, AM 2009-049, Consideration of Resolution 09R024, A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO TO JOIN COMMUNITIES FOR WATER, AS A COMPONENT OF MEMBERSHIP IN NISP; APPROVING THE DECLARATION OF CREATION AND THE BYLAWS THEREOF; AND SETTING FORTH DETAILS IN RELATION THERETO, Authorizing the Town of Frederick to Join "Communities for Water" as a component of Membership in NISP and Approval of the May 12, 2009, Special Meeting Minutes and May 12, 2009, Regular Meeting Minutes, motion was then seconded by Trustee Wollack, motion carried unanimously.

DISCUSSION AGENDA

IM 2009-011, Discussion Regarding Posting Court Docket on Town's Website

Currently the Town of Frederick posts the court docket on the Town's website; no juvenile names are posted on the criminal docket. However, juvenile names are posted for traffic infractions. This policy was implemented so the Town Board could stay abreast of what was occurring in Municipal Court. After further review and a survey completed on the CAMCA website and with Judge Cahn's recommendation, staff advocates the posting of the court dockets be posted the day of court on site. Motion by Trustee Pfirsch to direct staff to remove any previous court dockets from the Town website and the court dockets be posted on site only on the day of Court, Mayor Pro Tem Wedel seconded the motion and motion carried unanimously.

Judge Cahn also informed the Board what a wonderful job, Court Clerk, Linda Glantz, is doing.

MAYOR AND BOARD REPORTS

Trustee Carey talked about the Longmont SWAT team who will be holding a drill at Carbon Valley Academy School, Storm Water Drainage appeal process and sales tax collection.

Trustee Pfirsch provided information about the upcoming DRCOG meeting, Home Rule Charter process, stop sign within Prairie Greens Subdivision and suggested that all proposed streets be dedicated to the Town.

Trustee Schiers indicated that she wouldn't be attending the June 2nd, Work Session, graduation was wonderful and requested information about how Metropolitan District impact the Town and Economic Development.

Mayor Pro Tem Wedel talked about community communication, FEMA training, and adding maps to the Board's packet.

Trustee Wollack voiced his concerns about the water shut off procedures and requested staff provide the Board with information about how the procedures and process is working; a comparison between the residents on the west side and east side of I-25.

Mayor Doering provided information about the upcoming NISP tour in June and an information meeting in August. Information about the upcoming work session was provided, status on the condition of Mike Hattel after knee surgery and the great job the Home Rule Commission is doing with the proposed charter.

There being no further discussion, Mayor Doering closed the regular meeting at 9:20p.m.

Nanette S. Fornof, Town Clerk

Approved by the Board of Trustees

Eric E. Doering, Mayor